

Remarks:

Claims 1-11, 16, and 17 remain for consideration in this application, with claims 1, 6, 11, and 16 being in independent format. The claims of group 2 have been withdrawn and Applicant is electing group 1 for prosecution in this application.

The action also contained a requirement to elect a single Seq. ID No. for prosecution in this application. In response, Applicants provisionally elect Seq. ID No. 8, which is the full-length version of the gene, as noted at page 8, lines 25-26. With this provisional election, Applicants traverse the requirement to elect a single Seq. ID No. Applicants assert that if Seq. ID No. 8 is fully searched, further searching of Seq. ID Nos. 9-14 does not present an undue burden on the Office. This is because, Seq. ID No. 8 contains each of Seq. ID Nos. 9-14 as a sub-sequence thereof. As noted in the specification, each of Seq. ID Nos. 9-14 are a fragment of or truncated version of Seq. ID No. 8. Accordingly, a search for Seq. ID No. 8 will inherently include a search for each of Seq. ID Nos. 9-14 and, therefore, there is no undue burden in extending the sequence search to include each of the other truncated sequences from Seq. ID No. 8. To be clear, it is not alleged that Seq. ID Nos. 9-14 are not independent and distinct from each other, it is merely the fact that each of these sequences is a fragment of or truncated form of Seq. ID No. 8 that allows the Office to perform the requested search without having any undue burden.

Applicants note that MPEP § 803.04 recites that “normally ten sequences constitute a reasonable number for examination purposes. Accordingly, in most cases, up to ten independent and distinct nucleotide sequences will be examined in a single application without restriction.” In this case, Applicants are requesting that a total of seven sequences be searched and further note that one

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of the sequences contains each of the remaining sequences. Thus, the burden on the Office in searching the remaining sequences is even less than the rules permit and Applicants respectfully request that each of Seq. ID Nos. 8-14 be searched and this restriction be traversed.

In view of the foregoing, a Notice of Allowance appears to be in order and such is courteously solicited.

Any additional fee which is due in connection with this amendment should be applied against our Deposit Account No. 19-0522.

Respectfully submitted,

By 

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